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7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA-EASTERN DIVISION  
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13 DAVID RAYMOND ROSE, } ED CV 08-01777-GHK (SH)  
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15 Petitioner, } ORDER ADOPTING THE  
16 v. } REPORT AND RECOMMENDATION  
17 MATTHEW CATES, Secretary, } OF UNITED STATES MAGISTRATE  
18 CDCR, } JUDGE  
19 Respondent. }

20 Pursuant to 28 U.S.C. Section 636(b)(1)(C), the Court has reviewed the  
21 Petition, all of the records and files herein and the attached Report and  
22 Recommendation of the United States Magistrate Judge, and has made a de novo  
23 determination of the Report and Recommendation. The Court concurs with and  
24 adopts the conclusions of the Magistrate Judge.

25 IT IS ORDERED that the Petition filed herein is dismissed with prejudice.  
26

27 IT IS FURTHER ORDERED that the Clerk shall serve copies of this Order,  
28 the Magistrate Judge's Report and Recommendation and the Judgment herein by

1 the United States mail on petitioner and counsel for respondent.

2 LET JUDGMENT BE ENTERED ACCORDINGLY.

3 DATED: July 17, 2009

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8 GEORGE H. KING  
9 UNITED STATES DISTRICT JUDGE  
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